The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland City Hall Board Room 301 Coleman Avenue, Waveland, MS, September 6, 2016 at 6:30 p.m. to take action on the following matters of City Business.

PUBLIC COMMENTS

Re: Mrs. Brenda McComb

ROLL CALL

Mayor Smith noted for the record the presence of Aldermen Burke, Richardson and Lafontaine along with City Clerk Lisa Planchard and City Attorney Rachel Yarborough.

Absent from the meeting was Alderman Piazza.

UTILITY DEPARATMENT/PUBLIC WORKS/WATER RATES/HEALTH DEPARTMENT/MISSISSIPPI STATE HEALTH DEPARTMENT/BUDGET FY 2016 Re: Notification to MS. State Health Department regarding FY2016 Water Rates Review

Alderman Richardson moved, seconded by Alderman Lafontaine to declare that in accordance with the MS State Health Department requirements, the City of Waveland has reviewed its water rates for FY 2016 and at this time no action was necessary or taken.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

EVENTS/LOUISIANA FLOOD VICTIMS CONCERT/FUND RAISER Re: Close Beach Blvd. for Concert Event to assist Louisiana Flood Victims

Alderman Lafontaine moved, seconded by Alderman Richardson to approve closing Beach Blvd. (Terrace to St. Joseph) and up Coleman Avenue to S. Bourgeois St. for a Funding Raising event to be held Saturday, October 15, 2016 from 3:00 p.m. to 11: p.m. to benefit people flooded in Louisiana recently.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

CITY HALL

Re: Appointment of Ron Duckworth as Deputy City Clerk

Alderman Burke moved, seconded by Alderman Richardson to **TABLE** appointing Ron Duckworth as Deputy City Clerk.

During discussion Mrs. Yarborough said that legally we should clarify exactly what obligations and duties that this appointment entails; it should explain who will be Deputy City Clerk in the event of the absence of Tammy or will they be 2 concurrent Deputy City Clerks and what duties and obligations does the Deputy City Clerk entail.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

MAYOR'S REPORT

Re: Personally thanked Alderman Richardson for his hard work on the splash pad at MLK (Herlihy) Park.

ATTORNEY'S COMMENTS/EXECUTIVE SESSION/UTILITY DEPARTMENT Re: Add to Executive Session one additional item; Notice of Claim filed by Gulfshore Properties, Oak Park Mississippi Properties, LLC. and Waveland Properties, LLC., all

regarding potential and probable litigation involving a Notice of Claim filed by Apt.

Complexes re: Outstanding Utility payment issues.

Alderman Lafontaine moved, seconded by Alderman Richardson to add discussion regarding a Notice of Claim filed by Gulfshore Properties, Oak Park Mississippi Properties LLC and Waveland Properties, LLC regarding potential and probable litigation for outstanding utility payment issues.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

ALDERMEN'S COMMENTS

Re: Alderman Burke

• Next Monday Hancock County Solid Waste will be approving their Fiscal Budget for 2017. Alderman Burke noted that everyone in the County pays 2 mills toward this; once that budget is adopted he would provide the Board with a copy.

Re: Alderman Richardson

- Inquired about an area just north of the RR tracks on Coleman Ave. being dammed off underneath the CSX (train tracks) re: the Citywide Drainage Project. Mayor Smith said that he and Mrs. Yarborough had been busy obtaining Rights of Entry and applying for a project extension. Mrs. Yarborough said there had been a meeting with all of the Engineers, Kappa and others; she said Mr. Brent Anderson did identify this area as an area needing immediate review.
- Asked Chief David Allen about the digital radar speed limit sign. Chief Allen said they had been busy with the Police Station ribbon cutting, and had not had a chance to put the sign back out, but will get it back out. Alderman Richardson asked for the sign to be placed temporarily on Margie Street.

Re: Alderman Lafontaine – No comments at this time.

DOCKET OF CLAIMS

Re: Claims

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the Docket of Claims in the amount of \$763,057.25 dated September 6, 2016 as submitted. (EXHIBIT A)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

AUDIT FY 2015/BUDGETS

Re: Audit - FY 2015 presented by Wright, Ward, Hatten and Guel

Alderman Lafontaine moved, seconded by Alderman Richardson to accept and adopt the FYE 2015 Audit as submitted by Wright, Ward Hatten & Guel, CPA's. (EXHIBIT B)

Mrs. Leah Holland with Wright, Ward Hatten and Guel was present to review the Audit with Board members.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

POLICE DEPARTMENT/CRIME STOPPERS/COURT DEPARTMENT Re: \$2.00 Assessment Fee to Fund MS. Coast Crime Stoppers

Alderman Richardson moved, seconded by Alderman Burke to **TABLE** assessing \$2.00 per moving violation under Code Section 45-39-17 (2011) to be used to fund the Mississippi Coast Crime Stoppers that currently covers 6 counties. The fees are used for advertising, events for Law Enforcement, tip payouts, school programs and salary for one part-time position.

Mrs. Yarborough said statutorily this is supposed to be adopted by Ordinance, which should be reduced to writing and reviewed beforehand. She said if the Board so chooses to approve this assessment, Mrs. Yarborough asked for additional time to create the Ordinance.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

MEADOW LANE/DRAINAGE ISSUES/

Re: Mr. Mickey Lagasse was present to update the Board on the Drainage issues on Meadow Lane and Emerald Lakes subdivision; general discussion.

RESOLUTIONS/DISTRICT 9 REGIONAL HAZARD MITIGATION PLAN/HAZARD MITIGATION PLAN

Re: Resolution of Intent to Participate in the 2016 Update of the District 9 Regional Hazard Mitigation Plan

Alderman Lafontaine moved, seconded by Alderman Richardson to approve a Resolution of Intent to participate in the 2016 Update of the District 9 Regional Hazard Mitigation Plan. The City of Waveland resolves to participate in meetings with District 9 representatives; there is a 10% local government cost share to be apportioned in whatever manner the local Government sees fit. **(EXHIBIT C)**

Mayor Smith said as the former, and second EMA Director in the City, he always dealt with the Hazard Mitigation Plan. Mayor Smith said this is one of the finest plans in the Country and although the plan is current (done in 2013) and does not need to be updated, the City should be a part of the Regional Hazard Mitigation plan because that's what the State is going to.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

FIRE DEPARTMENT/APPOINTMENTS/HAZARD MITIGATION PLAN Re: Appoint Asst. Fire Chief Tommy Carver to Represent City in District 9 Regional Hazard Mitigation Plan Development

Alderman Burke moved, seconded by Alderman Richardson to approve Mayor Smith's Designated Representative, Assistant Fire Chief Tommy Carver, to represent the City in all matters pertaining to the development of the District Nine (9) Regional Hazard Mitigation Plan.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

POLICE DEPARTMENT/AGREEMENTS/CSPIRE/CONTRACTS Re: C-spire Agreement to install Repeater in Police Department

Alderman Burke moved, seconded by Alderman Richardson to approve Repeater Installation Agreement and Addendum (by City Attorney) with Cellular South, Inc. dba CSpire Wireless for the installation of a wireless telecommunications repeater in the new Police Building to fix issues with poor C-Spire cell phone reception in the building; approval is conditioned upon the Police Department remaining with CSpire until the end of its current contract. **(EXHIBIT D)**

Mrs. Yarborough said there were a few issues of concern. She discussed the requirement that the City execute a 2 year cell phone agreement, the vague nature of the renewal verbiage, and she expressed concern for the contract going beyond the term of the current Board. Mrs. Yarborough said there was another issue with the City being required to add C-Spire as an additional insured to the City's policies, which is not allowed by law, and requires the City to release and waives certain facets of its liability for CSpire, which is not allowed. Mrs. Yarborough also noted the arbitration clause, which the city is not allowed to waive rights to a jury trial. Chief Allen said they can go back and have the contract edited. Mrs. Yarborough said if it's the Board's intent to agree then they can approve with City Attorney Addendum for the issues discussed.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

POLICE DEPARTMENT/PERSONNEL

Re: New Hire, Mr. Phillip Pavolini as a Patrolman to replace Officer Billy Cotter who is moving to DEA position

Alderman Lafontaine moved, seconded by Alderman Richardson to hire Mr. Phillip Pavolini as a Patrolman at a rate of \$14.44 per hour, pending passage of drug test. If approved, Mr. Pavolini will begin employment September 21, 2016. (This position will replace Officer Billy Cotter who is moving to the DEA position).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

TRAVEL/FIRE DEPARTMENT

Re: Firefighter Michael (M.J.) Jackson to attend Driver Operator Pumper Course at MS. Fire Academy

Alderman Lafontaine moved, seconded by Alderman Richardson to approve travel for Firefighter Michael (M.J.) Jackson to attend the Driver Operator 1002/Pumper course at the MS. State Fire Academy from September 19-29, 2016. Cost to the City will be \$675.00 for the course fee which includes lodging, breakfast and lunch, \$80.00 total per diem for evening meals and use of a City vehicle.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

POLICE BUILDING-STATION/CLOSEOUT DOCUMENTS/CONTRACTS Re: Close-Out Documents related to Police Building/Station

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the following Close-Out Forms related to the Waveland Public Safety Complex (Waveland Police Department-Station), and signatures thereon: **(EXHIBIT E)**

- a) Recipient Closeout Checklist
- b) Certificate of Completion
- c) Recipient Performance Certification Report
- d) Ethnic Beneficiary Information
- e) Outstanding Claimants List
- f) Inventory and Program Income Form
- g) Certification of Recipient Compliance Agreement relative to Close-out of the Mississippi Development Authority-Disaster Recovery Division Grant Programs
- h) Final Request for Cash (RFC) Consolidated Support Sheet
- i) Final MDA-DRD Quarterly Report
- j) Refund Check (If Applicable)

Mrs. Yarborough said there are no claimants and they submitted an affidavit notifying the City that all the sub-contractors had been paid. She noted the information in the closeout packages are not necessarily legal documents that are anticipated by the Contractor to the City, they are only documents for the benefit of the Grantor, which would be MDA/MEMA/FEMA.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

CITYWIDE DRAINAGE PROJECT/DRAINAGE PROJECT/CSX TRANSPORTATION Re: CSX Transportation Invoice 9039294 in the amount of \$7,286.36 for work on Citywide Drainage Improvements Project

Alderman Burke moved, seconded by Alderman Lafontaine to approve CSX Transportation Invoice No. 9039294 (due 8/26/16) in the amount of \$7,276.36 for work performed during the Citywide Drainage Improvements Project as listed, reserving all rights, contractual or otherwise against Kappa Development. (Tabled from the 8-17-2016 meeting). **(EXHIBIT F)**

Prior to motion Alderman Lafontaine inquired about the payment of this invoice. Mrs. Planchard said they had decided not to pay the invoice at the last meeting because the payment was not yet due at that time.

Mrs. Yarborough: "So as of, when did this bill become due?"

Mrs. Planchard: "It became due August 26th."

Mrs. Yarborough: "And did the City of Waveland forward this invoice to Pickering?"

Mrs. Planchard: "We did".

Mrs. Yarborough: "And did Pickering confirm that they had forwarded to Kappa?"

Mrs. Planchard: "They did, I have August 2nd".

Mrs. Yarborough: "To date, is this invoice still due?"

Mrs. Planchard: "As of this morning at 9:52 a.m., it is still due."

Mrs. Yarborough "And it is, at this time overdue; is that correct?"

Mrs. Planchard: "That is correct."

Mrs. Yarborough: "And who did you confirm with that this amount is due."

Mrs. Planchard: "Beverly Corbitt with CSX Transportation."

Mrs. Yarborough: "And to your knowledge Kappa or Pickering has not submitted to the City any proof that this bill has been paid in the amount of \$7,276.36."

Mrs. Planchard: "No, I'm aware of none."

Mrs. Yarborough: "And none of that information was attached to any pay application that was submitted to the City, is that correct?"

Mrs. Planchard: "No (it was not attached)."

Mrs. Yarborough "No further questions."

Mrs. Yarborough said contractually Kappa is obligated to pay any of the outstanding invoices from CSX to the City. She said to date they've not paid any of those invoices, we've always assessed when they were past due and removed it from whatever pay application's pending at the time. Mrs. Yarborough said if those bills become overdue the City will not be able to perform any work in the CSX Right-of-Way and we will lose any right that we have in that very expensive permit process that we have; our project will come to a halt and the City will be outside of our period of performance (POP). She said, "So in order to mitigate any damages and to, in good faith, make progress on this Federally Funded Project, it would be my opinion that it would be in the best interest of the City and strategically and litigiously a good idea to pay a party that has an outstanding invoice bill to the City. It mitigates any damages the City would sustain by Kappa's failures."

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

HMGP ANTICIPATION NOTE/CITYWIDE DRAINAGE/DRAINAGE PROJECT/DEPOSITORY

Re: Transfer of funds from HMGP Anticipation Note in the amount of \$137,014.00 for Depository Account for Citywide Drainage Project

Alderman Burke moved, seconded by Alderman Richardson to transfer funds from the HMGP Anticipation Note in the amount of \$137,014.00 (rounded) (\$144,290.06 less \$7,276.36 payable to CSX Transportation) to the Depository Bank Account to pay Kappa Development Invoice No. 21 related to the HMGP Citywide Drainage Improvements Project.

Mrs. Yarborough requested that the Board consider this at the heel of the agenda after Executive Session. She said this would be for Agenda items 20 and 21.

Motion removed; no vote taken.

INVOICES/STORMWATER PROGRAM PLAN DEVELOPMENT/CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE IMPROVEMENTS PROJECT/SUBDIVISION REVIEW/SOUTH STREET DRAINAGE PROJECT/LIGHTHOUSE OUTDOOR RECREATION PROJECT/TIDELANDS

Re: Payment of Invoices Submitted by Various Contractors

Alderman Lafontaine moved, seconded by Alderman Richardson to approve the following invoices submitted by various contractors and recommended to be placed in line for payment consideration, contingent upon receiving funding from grant sources (if required) as listed (Items a-e): **(EXHIBIT G)**

- a) Invoice 216-021-5 from Compton Engineering, Inc. in the amount of \$510.00 regarding the Phase II Stormwater Program plan development.
- b) Invoice 215-065-18 from Compton Engineering Inc. in the amount of \$3,082.50 Waveland Facilities Plan and Related Services/SRF Citywide Drainage Improvements
- c) Invoice 216-042-1 from Compton Engineering in the amount of \$840.00 City of Waveland Subdivision Review
- d) Invoice 215-069-3 from Compton Engineering in the amount of \$3,550.00 South Street Drainage Improvements Project
- e) Invoice 215-068-10 from Compton Engineering in the amount of \$940.00 Waveland Construction of Lighthouse, Outdoor Recreation (Tidelands).

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

HERLIHY STREET PARK/MLK PARK/PURCHASING/SPLASH PAD/RECREATION/PARKS

Re: Payment to Gulf South Ready Mix Concrete for Splash Pad

Alderman Lafontaine moved, seconded by Alderman Richardson to approve payment to Gulf South Ready Mix for concrete related to the Splash Pad at Herlihy Park in the amount of \$1,815.00. **(EXHIBIT H)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Re: Approve Services from Mr. Leo Hawkins in the amount of \$700.00 ...a)

Alderman Burke moved, seconded by Alderman Richardson to approve concrete labor services rendered by Mr. Leo Hawkins in the amount of \$700.00 related to the Splash Pad.

During discussion, Ms. Yarborough said her wording of these two motions is to a) approve the service and b) approve reimbursement, which is contingent upon a)'s approval.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Re: Reimburse Mayor Mike Smith \$700.00 for payment of services rendered by Mr. Leo Hawkins...b)

Alderman Lafontaine moved, seconded by Alderman Richardson to reimburse Mayor Mike Smith \$700.00 for concrete laborer services from Mr. Leo Hawkins related to the Splash Pad at Herlihy Park. **(EXHIBIT I)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

TIDELANDS FUNDS/MARINA IMPROVEMENTS PROJECT

Re: Approve and Authorize Signatures on the Tidelands Fund Notice of Completion for Marina Improvements Project, FY2011-P111

Alderman Lafontaine moved, seconded by Alderman Richardson to approve, and authorize signatures on, the Mississippi Tidelands Public Trust Fund Notification of Completion for FY2011-P111, City of Waveland Marina Improvements Project. (EXHIBIT J)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

TIDELANDS/PERMITS DEPARTMENT/BUILDING DEPARTMENT/PERSONNEL/PRIVILEGE LICENSE/WAVELAND AVENUE IMPROVEMENT PROJECT/KEEP WAVELAND BEAUTIFUL/APPOINTMENTS

Spread on the minutes the following being listed: Items (a-e)

- a) Mississippi Tidelands Trust Fund Program Tidelands 2018 Application Corrections by Compton Engineering. **(EXHIBIT K)**
- b) Permits Report for the month of August 2016, submitted at this the first meeting of September, 2016. (EXHIBIT L)
- c) Privilege License Report for the month of August 2016, submitted at this the first meeting of September 2016 (to be uploaded Tuesday, 9/6/16) (EXHIBIT M)
- d) Preliminary Engineering Investigation for Herlihy Street, Meadow Lane and Waveland Avenue Improvement Project, 2016. (EXHIBIT N)
- e) Resignation of Ms. Debbie Mason as Keep Waveland Beautiful Chairperson and appoint Ms. Carolyn Johnson as the new Chairperson.

EXECUTIVE SESSION

Re: Potential and Probable Litigation

Alderman Burke moved, seconded by Alderman Richardson to consider Executive Session to prompt a closed door discussion regarding Executive Session for the HMGP Drainage Improvements Project under potential and probable litigation, Notice of Claim filed by Jeremy Compretta 509 Meadow Lane for potential and probable litigation and Notice of Claim filed by Gulf Shore Properties LLC, Oak Park Mississippi Properties LLC, and Waveland Properties LLC., under the exemption of potential and probable litigation.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Re: Enter Executive Session

Alderman Lafontaine moved, seconded by Alderman Richardson to enter Executive Session to discuss the following Executive Session for the HMGP Drainage Improvements Project under potential and probable litigation, Notice of Claim filed by Jeremy Compretta 509 Meadow Lane for potential and probable litigation and Notice of Claim filed by Gulf Shore Properties LLC, Oak Park Mississippi Properties LLC, and Waveland Properties LLC., under the exemption of potential and probable litigation.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

LEGAL DEPARTMENT

Re: City Attorney to settle with Gulf Shore Properties LLC, Oak Park Mississippi Properties LLC, and Waveland Properties LLC

Alderman Lafontaine moved, seconded by Alderman Richardson to grant City Attorney authority to settle with Gulf Shore Properties LLC, Oak Park Mississippi Properties LLC, and Waveland Properties LLC.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE PROJECT/SCOPE OF WORK

Re: Amend Prior SOW Change Request to Delete Phase IV of Drainage Project

Alderman Lafontaine moved, seconded by Alderman Richardson to amend prior Scope of Work Change Request to delete all of Phase IV including payments already made & work already performed.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

Re: Exit Executive Session

Alderman Lafontaine moved, seconded by Alderman Richardson to exit Executive Session with action taken.

Page
Meeting of September 6, 2016
6:30 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

HMGP ANTICIPATION NOTE/CITYWIDE DRAINAGE/DRAINAGE PROJECT/ DEPOSITORY

Re: Transfer funds from HMGP Anticipation Note in the amount of \$137,014.00 for Depository Account for Citywide Drainage Project

Alderman Burke moved, seconded by Alderman Richardson to transfer funds from the HMGP Anticipation Note in the amount of \$137,014.00 (rounded) (\$144,290.06 less \$7,276.36 payable to CSX Transportation) to the Depository Bank Account to pay Kappa Development Invoice No. 21 related to the HMGP Citywide Drainage Improvements Project. (**EXHIBIT O**)

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

CITYWIDE DRAINAGE PROJECT/DRAINAGE PROJECT

Re: Approve payment of Invoice No. 21 submitted by Kappa Development less the amount of CSX Invoice No. 9039294 (\$144,290.06 - \$7,276.36)

Alderman Burke moved, seconded by Alderman Lafontaine to approve Kappa Development Invoice No. 21 in the amount of \$137,013.70 regarding the HMGP Citywide Drainage Improvements Project, which considers deduction of CSX Invoice No. 9039294 in the amount of \$7,276.36. **(EXHIBIT P)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

ADJOURN

Re: Adjourn Meeting at 9:14 p.m.

Alderman Burke moved, seconded by Alderman Richardson to adjourn the meeting at 9:14 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, and Lafontaine

Voting Nay: None

Absent: Piazza

The foregoing minutes were presented to Mayor Smith on September 23, 2016.

Page	
Meeting of September 6, 201	6
6:30 p.m.	

Lisa Planchard

City Clerk

The Minutes of September 6, 2016 have been read and approved by me on this day the 23rd of September 2016.

Mike Smith Mayor

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